

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DAVID DANIELS

PLAINTIFF

v.

Civil No. 06-5205

SHERIFF KEITH FERGUSON; CAPTAIN  
PETRAY; LT. CARTER; SGT. FAULKENBURY;  
SGT. NANCE; and SGT. TOMLIN

DEFENDANTS

JUDGMENT

On the 27th day of October, 2008, the captioned matter came on for trial by a jury. Plaintiff appeared *pro se*. All defendants appeared and were represented by counsel. A jury of twelve persons was properly selected and impaneled, the testimony of witnesses was taken, and exhibits were received into evidence.

During the trial, the Court determined that plaintiff's claims against all defendants in their official capacities should be dismissed, and that plaintiff's claims against separate defendants Sheriff Keith Ferguson, Captain Petray, and Lt. Carter in their individual capacities should be dismissed.

After all the evidence was received, and the parties had made closing arguments, the jury retired to deliberate. On October 29, 2008, they returned a verdict in open court in favor of Sgt. Faulkenbury, Sgt. Nance, and Sgt. Tomlin.

**IT IS THEREFORE ORDERED** that plaintiff's claims against all defendants are **dismissed with prejudice**.

**IT IS SO ORDERED**, this 30th day of October, 2008.

/s/Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE